

APR 04 2007

PTO/SB/64 (09-08)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 112075
First named inventor: Ong, Pun Choon		
Application No.: 10/708,559		Art Unit: 3725
Filed: 03/11/2004		Examiner: Miller, Bena B.
Title: METHOD OF WINCHING CUT TIMBER IN A FOREST AND A MACHINE DESIGNED TO ACCOMPLISH THIS		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. 		
1. Petition fee <input checked="" type="checkbox"/> Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))		
2. Reply and/or fee <ol style="list-style-type: none"> A. The reply and/or fee to the above-noted Office action in the form of <u>Amendment with Request for Continued Examination</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee and publication fee (if applicable) of \$ _____ <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith. 		

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

APR 04 2007

PTO/SB/64 (09-08)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Michael Bondi
Signature

04/04/2007

Date

Michael A. Bondi
Typed or printed name

39,616

Registration Number, if applicable

P.O. Box 2906
Address

612-632-3309

Telephone Number

Minneapolis, MN 55402-0906
Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Request for Continued Examination

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

04/04/2007

Date

Jeri Caron
Signature

Jeri Caron

Typed or printed name of person signing certificate

APR 04 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Ong, Pun Choon

Application Number

10/708,559

Filing Date

March 11, 2004

For

METHOD OF WINCHING
CUT TIMBER IN A FOREST
AND A MACHINE
DESIGNED TO
ACCOMPLISH THIS

Group Art Unit

3725

Examiner

Miller, Bena B.

Attorney Docket

112075

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

These statements are made in support of the accompanying *Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)* (PTO/SB/64) ("Petition") filed concurrently.

1. The Petition is filed on behalf of applicant Pun Choon Ong pursuant to a power of attorney filed in the application on April 2, 2007 (Exhibit A).
2. These statements are made by Michael A. Bondi (Reg. No. 39,616), of the Minneapolis office of the law firm of Gray, Plant, Mooty, Mooty & Bennett, PA ("Gray Plant Mooty") after review of records first brought to his attention by e-mail after normal business hours on Monday, April 2, 2007, by a paralegal of his law firm who acts under his direction.

3. Patterson, Thuente, Skaar, and Christensen, PA ("Patterson"), the former counsel of record, filed a Request for Withdrawal as Attorney or Agent on September 15, 2006 (Exhibit B).
4. A Final Office Action was issued in this case and mailed to Patterson on September 28, 2006 (Exhibit C).
5. An amendment and response was filed on December 19, 2006, by Gray, Plant, Mooty, Mooty, & Bennett, PA, at the direction of Applicant (Exhibit D).
6. The Request for Withdrawal as Attorney or Agent filed by Patterson on September 15, 2006, was granted on February 23, 2007 (Exhibit E).
7. An Advisory Notice was mailed directly to Applicant on March 20, 2007, to Applicant's address in Singapore notifying Applicant that the Amendment and Response filed on December 16, 2006, was not entered (Exhibit F). At this time, we are unsure if Applicant has received this Notice.
8. The application went abandoned on March 29, 2007, for failure to file the required response to the Final Office Action of September 28, 2006.
9. At no time during the period described above was there any knowledge by any attorney or employee of Gray Plant Mooty that the Amendment and Response filed on December 16, 2006, was not entered.
10. The abandoned status of the application, and the circumstances that evidently led to the abandonment, were first discovered after normal business hours on Monday, April 2, 2007. This petition and the accompanying papers are being filed the morning of Wednesday, April 4, 2007.
11. All statements above are made with the understanding that false statements and the like may jeopardize the application.

Please grant the petition, enter the accompanying documents into the record, and proceed with continued examination of this application. If you have any questions, please contact me at your convenience.

Very truly yours,



Michael A. Bondi
Registration No. 39,616
Attorney for Applicant
612-632-3309 (voice)
612-632-4309 (direct fax)
michael.bondi@gpmlaw.com

April 4, 2007

Gray Plant Mooty Mooty & Bennett, PA
PO Box 2906
Minneapolis, MN 55402-0906

GP:2086628 v1

EXHIBIT A

APR 04 2007

PTO/SB/82 (01-09)

Approved for use through 12/31/2008. OMB 0631-0039
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/708,559
Filing Date	03/11/2004
First Named Inventor	Ong, Pun Choon
Art Unit	3725
Examiner Name	Miller, Bena B.
Attorney Docket Number	112075

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: 28020☒ Please change the correspondence address for the above-identified application to:☒ The address associated with
Customer Number:

28020

OR

☐ Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Signature

Name

Date

02/22/2007

Telephone

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.38. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-6198 and select option 2.

EXHIBIT B

09/15/2006 12:51 FAX 6123499266

PATTERSON THUENTE SKAAR

APR 04 2007

001

PATTERSON | THUENTE |
SKAAR | CHRISTENSEN | IPRECEIVED
CENTRAL FAX CENTER
SEP 15 2006

Patent, Trademark, Copyright, Industrial Design & Related Claims

Patterson, Thuent, Skaar & Christensen, P.A.

2800 IDS Center
60 South 8th Street
Minneapolis, MN
55402-2100T: 612.349.5740
F: 612.349.5737
F: 612.349.9156
www.ptsk.com

FACSIMILE COVER SHEET

TOTAL NUMBER OF PAGES BEING SENT (INCLUDING COVER SHEET): 9

☐ Original documents to follow by mail☒ No originals will be sent

DATE: 15 September 2006

TO: Examiner Benz B Miller
Group Art Unit 3725

FAX #: 571-273-8300

PHONE #:

Application No.: 10/708,559
Applicant: Pun Choon Ong
Due Date:

OUR REF.: 3821.07US01

FROM: Wm. Larry Alexander
PHONE #: 612-349-5757

Attached please find the following for filing in the above-identified application:


- (1) Request for Withdrawal as Attorney or Agent
- (2) Request for Withdrawal as Attorney or Agent Form PTO/SB/83 (in triplicate)

Respectfully submitted,


Wm. Larry Alexander
Registration No. 37,269

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

15 September 2006
Date
Wm. Larry Alexander

THIS FACSIMILE TRANSMISSION CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE PARTY IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CALL PATTERSON, THUENTE, SKAAR & CHRISTENSEN COLLECT AT (612) 349-5740. DISTRIBUTION, REPRODUCTION OR ANY OTHER USE OF THIS TRANSMISSION BY ANY PARTY OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

FACSIMILE SENT BY 

APR 04 2007

09/15/2006 12:52 FAX 6123499268

PATTERSON THUENTE SKAAR

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CENTRAL FAX CENTER

002

SEP 15 2006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3821.07US01

Pun Choon Ong

Confirmation No.: 2558

Application No.: 10/708,559

Examiner: Bena B. Miller

Filed: 11 March 2004

Group Art Unit: 3725

For: METHOD OF WINCHING CUT TIMBER IN A FOREST AND A MACHINE
DESIGNED TO ACCOMPLISH THISREQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please consider and approve this request to withdraw as attorneys of record in the above-identified case. To this end, please find enclosed the required PTO/SB/83 in triplicate. To clarify this request, it is the desire of all attorneys with the law firm of Patterson, Thuent & Skaar and Christensen, P.A. to withdraw from this representation.

The application is awaiting an Office Action on the merits and therefore there is no running period for response. Therefore, we feel that Pun Choon Ong will not be prejudiced by our withdrawal at this time.

Respectfully submitted,


Wm. Larry Alexander
Registration No. 37,269Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5757

09/15/2006 12:52 FAX 6123499288

PATTERSON THUENTE SKAAR

003

Attorney Docket No.: 3821.07US01

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

15 September 2006
Date of Deposit

Wm. Larry Alexander
Wm. Larry Alexander

09/15/2008 12:52 FAX 6123499268

PATTERSON THUENTE SKAAR

004

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SEP 15 2008

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Attorney Docket No.: 3821.07US01

Pun Choon Ong

Confirmation No.: 2558

Application No.: 10/708,559

Examiner: Bena B. Miller

Filed: 11 March 2004

Group Art Unit: 3725

For: METHOD OF WINCHING CUT TIMBER IN A FOREST AND A MACHINE
DESIGNED TO ACCOMPLISH THISREQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT
FORM PTO/SB/83Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby apply to withdraw as attorney or agent for the above-identified patent application.

The reasons for this request are:

Failure of client to pay firm fees for legal services rendered.

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☐ Change the correspondence address and direct all future correspondence to:
☐ Customer Number _____

OR

☒ Firm or Individual Name: Pintas IP Group Sdn. Bhd.
Address: Suite 6.03, 6th Floor, Wisma Mirama, Jalan Wisma Putra
City: Kuala Lumpur State: _____ Zip: 50460
Country: Malaysia
Telephone: 6 (03) 2148 5050 Fax: _____

Application No. 10/708,559

☐ This request is made on behalf of myself and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☒ the attorneys/agents associated with Customer Number 24113

This request is enclosed in triplicate (including any attachments).

Name: Wm. Larry Alexander

Signature: Wm. Larry Alexander

Date: 15 September 2006

APR 04 2007

SEP 15 2006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3821.07US01

Pun Choon Ong

Confirmation No.: 2558

Application No.: 10/708,559

Examiner: Bena B. Miller

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FORM PTO/SB/83Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☐ Change the correspondence address and direct all future correspondence to:
☐ Customer Number _____

OR

[X] Firm or Individual Name: Pintas IP Group Sdn. Bhd.
Address: Suite 6.03, 6th Floor, Wisma Mirama, Jalan Wisma Putra
City: Kuala Lumpur State: _____ Zip: 50460
Country: Malaysia
Telephone: 6 (03) 2148 5050 Fax: _____

Application No. 10/708,559

☐ This request is made on behalf of myself and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☒ the attorneys/agents associated with Customer Number 24113

This request is enclosed in triplicate (including any attachments).

Name: Wm. Larry Alexander

Signature: Wm. Larry Alexander

Date: 15 September 2006

09/15/2006 12:52 FAX 6123499288

PATTERSON TRUENTE SKAAR

008

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SEP 15 2006

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3821.07US01

Pun Choon Ong

Confirmation No.: 2558

Application No.: 10/708,559

Examiner: Bena B. Miller

Filed: 11 March 2004

Group Art Unit: 3725

For: METHOD OF WINCHING CUT TIMBER IN A FOREST AND A MACHINE
DESIGNED TO ACCOMPLISH THISREQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT
FORM PTO/SB/83Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby apply to withdraw as attorney or agent for the above-identified patent application.

The reasons for this request are:

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1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☐ Change the correspondence address and direct all future correspondence to:
☐ Customer Number _____

OR

[X] Firm or Individual Name: Pintas IP Group Sdn. Bhd.
Address: Suite 6.03, 6th Floor, Wisma Mirama, Jalan Wisma Putra
City: Kuala Lumpur State: _____ Zip: 50460
Country: Malaysia
Telephone: 6 (03) 2148 5050 Fax: _____

Application No. 10/708,559

☐ This request is made on behalf of myself and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☒ the attorneys/agents associated with Customer Number 24113

This request is enclosed in triplicate (including any attachments).

Name: Wm. Larry Alexander

Signature: Wm. Larry Alexander

Date: 15 September 2006

EXHIBIT C

APR 04 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,559	03/11/2004	PUN CHOON ONG		2558

24113 7590 09/28/2006

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

EXAMINER

MILLER, BENA B

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

APR 04 2007

Office Action Summary	Application No.	Applicant(s)	
	10/708,559	ONG, PUN CHOON	
	Examiner	Art Unit	
	Bena Miller	3725	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Bena B. Miller

APR 04 2007

Application/Control Number: 10/708,559
Art Unit: 3725

Page 2

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pair of grapples arms must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the pair of grapples arms as described in the specification. Any structural detail that is

Application/Control Number: 10/708,559
Art Unit: 3725

Page 3

essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10, 11 and 12 are finally rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

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matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 10, the subject matter "said forearm comprises a grappler or an excavator bucket, said excavator bucket interchangeable with said grappler", as now amended, in claims 11 and 12, the subject matter, as now amended, is not supported by the original specification and now, therefore constitutes New Matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10-12 and 15 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the claim recites that the forearm comprises a grappler or an excavator bucket; however, the disclosed figures shows the forearm with the grappler and the bucket. It is not clear whether the forearm comprises the grappler and the bucket or the grappler or bucket. Further, if the forearm comprises a grappler or a bucket, it is not clear how the bucket is interchangeable with the grappler.

Regarding claim 11, it is not clear whether the tracks of the machine are actuated by the solenoid valve.

Regarding claim 12, it is not clear whether the stabilizing arm comprises a hydraulically operated backhoe forearm.

Regarding claim 15, it is not clear what is encompassed by the claim.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-13 and 16-20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Gravenhorst (US Patent 5,048,172) in view of Salna (US Patent 2,876,921).

The device of Gravenhorst teaches most of the elements of the claimed invention, including a body (fig.10), a boom (fig.10), winch pulley (fig.10), winch reel (fig.10), a stabilizing arm (fig.10) and a bucket (C). However, Gravenhorst fails to teach a solenoid valve. Salna teaches that it is known to use a solenoid valve to operate a loader with a bucket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a solenoid valve as suggested by Salna in the device Gravenhorst for the purpose of operating the device.

Claims 9, 11 and 15-20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Renfro et al (US Patent 4,917,567) in view of Salna (US Patent 2,876,921).

The device of Renfro et al teaches most of the elements of the claimed invention, including a body (fig.1), a boom (fig.1), winch pulley (fig.1), winch reel (fig.1), a

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stabilizing arm (fig.1) and a bucket (66). However, Renfro fails to teach a solenoid valve. Salna teaches that it is known to use a solenoid valve to operate a loader with a bucket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a solenoid valve as suggested by Salna in the device Renfro for the purpose of operating the device.

Claim 14 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Gravenhorst in view of Salna as applied to claim 9 above, and further in view of Renfro et al.

The device of Gravenhorst and Salna teaches most of the elements of the claimed invention, except for the grapple arm attached opposite the bucket. Renfro teaches a vehicle having a grapple for the loading a log.. It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach a grapple as suggested by Renfro to the bucket of Gravenhorst and Salna for the purpose of loading a log for hauling.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

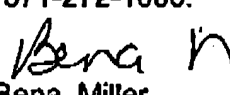
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Bena Miller
Primary Examiner
Art Unit 3725

bbm
September 23, 2006

Notice of References Cited	Application/Control No. 10/708,559	Applicant(s)/Patent Under Reexamination ONG, PUN CHOON	
	Examiner Bana Miller	Art Unit 3725	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,917,567	04-1990	Renfro et al.	414/731
*	B	US-2,876,921	03-1959	KARL SALNA	414/700
*	C	US-5,048,172	09-1991	Gravenhorst, Richard L.	29/401.1
*	D	US-3,841,507	10-1974	Barwise, Robert D.	414/569
*	E	US-4,373,853	02-1983	Biller et al.	414/732
*	F	US-4,035,938	07-1977	Avara, Teddy Walter	37/396
*	G	US-5,954,471	09-1999	Cullen, Michael J.	414/686
*	H	US-4,802,517	02-1989	Laster, Pat	144/34.5
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.03(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20060923

EXHIBIT D

APR 04 2007

U.S. Applic. No. 10/708,559

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Pun Choon Ong

Application Number

10/708,559

Filing Date

March 11, 2004

For

METHOD OF WINCHING
CUT TIMBER IN A FOREST
AND A MACHINE DESIGN
TO ACCOMPLISH THIS

Group Art Unit

3725

Examiner

Miller, Bena B.

Attorney Docket

112075

AMENDMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Action of September 28, 2006, please reconsider the application in light of the following amendments and remarks.

Claim amendments begin on page 2.

Remarks begin on page 5.

Conclusion begins on page 12.

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 50-0937.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below thereby constituting filing of same.

Date

12/19/06

Michael A. Bondi

U.S. Applic. No. 10/708,559

Claim Amendments

This listing of claims replaces all prior versions and listings of claims in the application.

9. (Presently Amended) A machine for retrieving a felled log, comprising:

- a body having an engine, tracks and operator cabin;
- a boom having first and second ends and attached to the body at the first end;
- a winch pulley disposed proximate said second end of said boom;
- a winch reel disposed proximate the boom first end, said reel winding and unwinding a cable positioned by said pulley and attached to said log;
- a solenoid valve hydraulically powering said winch reel; and
- a stabilizing arm attached to the boom and stabilizing the [[boom]] machine when said logs are being retrieved.

10. (Presently Amended) The machine of claim 9, in which said forearm comprises a grapppler [[or]] and an excavator bucket, ~~said excavator interchangeable with said grapppler.~~

11. (Canceled)

12. (Original) The machine of claim 9, in which the stabilizing arm comprises a hydraulically operated backhoe forearm.

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13. (Original) The machine of claim 9, in which said backhoe is pivotally attached to the boom.

14. (Presently Amended) The machine of claim 9, in which a grapppler ~~arm~~ is attached in opposition to said excavator bucket.

15. (Canceled)

16. (Presently Amended) A method of retrieving a first log, comprising:

providing a log retrieving machine having a body, a boom and a stabilizing arm,

wherein said boom is operably attached to said body and wherein said

stabilizing arm is operably attached to said boom;

securing a cable around said first log, said cable extending through a pulley

attached to a distal end of ~~[[a]]~~ said boom, ~~said boom stabilizing by an~~

~~attached backhoe forearm;~~

moving said stabilizing arm so that a distal end of said stabilizing arm engages a

ground surface adjacent said log retrieving machine to stabilize the log

retrieving machine; and

actuating a winch ~~via a solenoid valve, said winch attached to an excavator body~~

~~proximate end of said boom,~~ mounted on said log retrieving machine to

draw in said cable, thereby retrieving said first log.

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17. (Original) The method of claim 16, in which the first log is retrieved to a lower elevation.

18. (Original) The method of claim 16, in which the first log is retrieved to a higher elevation.

19. (Original) The method of claim 16, further comprising grasping a second log.

20. (Original) The method of claim 19, in which the second log is grasped by a grapppler attached to the backhoe forearm.

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037

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REMARKS

Claims 9-20 are pending. By this Amendment After Final, claims 11 and 15 are canceled, and claims 9, 10, 14 and 16 are amended. After entry of this Amendment After Final, claims 9, 10, 12-14 and 16-20 will remain pending in the present application.

Entry of this Amendment After Final is respectfully requested, as it is believed to put the claims in condition for allowance. The claim amendments do not add matter which would necessitate an additional search.

Objection to the Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) indicating that the drawings did not depict a pair of grappler arms. As noted above, claim 15, which referred to "a pair of grappler arms," has been canceled.

Cancellation of claim 15 is believed to obviate this objection. Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 10-12 under 35 U.S.C. § 112, first paragraph, indicating that the specification did not support the use of "said forearm comprises a grappler or an excavator bucket, said excavator bucket interchangeable with said grappler," in claims 11 and 12.

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Claim 10 has been amended to indicate that the forearm comprises a grapppler and an excavator bucket. Use of these terms is supported in Figures 1 and 2 and the corresponding description in the present application.

Without prejudice, claim 11 has been canceled.

With respect to claim 12, support for the use of the phrase "hydraulically operated backhoe forearm" is found in Paragraphs [0024], [0025], [0032]-[0036] and the accompanying illustrations in Figures 1 and 2. Based upon the preceding items, the structure and function of the hydraulically operated backhoe forearm is sufficiently disclosed in the patent application as filed such that the use of these limitations in Claim 12 does not constitute new matter.

In light of the preceding comments and the related claim amendments, it is submitted that each of the rejections under Section 112, first paragraph, are overcome. Reconsideration and withdrawal of the rejections under Section 112, first paragraph, are respectfully requested.

The Examiner rejected claims 10-12 and 15 under 35 U.S.C. § 112, second paragraph. As discussed above, claim 10 has been amended to specify that that forearm comprises a grapppler and an excavator bucket.

Without prejudice, claim 11 has been canceled.

As illustrated in the Figures and described in the accompanying text, the stabilizing arm comprises the hydraulically operated backhoe forearm. While it is not required for the stabilizing arm additional functionality beyond stabilizing the machine, adding hydraulically operated backhoe functionality to the stabilizer arm increases the tasks that can be performed by the machine.

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Without prejudice, claim 15 has been canceled.

In light of the preceding comments and the related claim amendments, it is submitted that each of the rejections under Section 112, second paragraph, are overcome. Reconsideration and withdrawal of the rejections under Section 112, second paragraph, are respectfully requested.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 9-13 and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Gravenhorst, US Patent No. 5,048,172, in view of Salna, US Patent No. 2,876,921.

Without providing any explanation, the Examiner cited Fig. 10 of Gravenhorst for disclosing a stabilizing arm. The Examiner cited Salna for disclosing the use of a solenoid valve to operate a loader with a bucket. The Examiner then contended that it would have been obvious to combine the references to produce the claimed invention.

To establish a prima facie case of obviousness, a rejection must cite documents which teach or suggest all the claim limitations,¹ establish a proper motivation for modifying the documents cited against the claims,² and show a reasonable expectation

¹ See M.P.E.P. 2143 ("To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.").

² See M.P.E.P. § 2142 ("To establish a prima facie case of obviousness, ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings The teaching or suggestion to make the claimed combination ... must ... be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).").

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of success.³ The motivation to modify the documents cited against the claims must be present in the documents themselves, not in the instant application.⁴

Neither conclusory statements within the rejection nor subjective opinion stated in the rejection are sufficient to establish the required motivation to modify the documents cited against the claims.⁵⁶ If the rejection asserts that the motivation was generally present in the art at the time of the invention, the Examiner may be required to execute an affidavit or declaration to that effect so that the Applicant may have the opportunity to explain or dispute the assertions therein.⁷ Additionally, evidence of

³ See M.P.E.P. § 2143 ("To establish a prima facie case of obviousness, ... there must be a reasonable expectation of success. The ... reasonable expectation of success must ... be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).")

⁴ See M.P.E.P. § 2142 ("The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.").

⁵ See, In re Lee, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002) ("This factual question of motivation is material to patentability and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to '[use] that which the inventor taught against its teacher.'" W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983). Thus, the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion.") (emphasis added).

⁶ In re Lee, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002) ("The examiner's conclusory statements that the demonstration mode is just a programmable feature which can be used in many different device[s] for providing automatic introduction by adding the proper programming software and that another motivation would be that the automatic demonstration mode is user friendly and it functions as a tutorial do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to '[use] that which the inventor taught against its teacher.'" W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983). Thus, the Board must not only assure that the requisite findings are made based on evidence of record but must also explain the reasoning by which the findings are deemed to support the agency's conclusion.") (internal quotation marks omitted) (emphasis added).

⁷ See M.P.E.P. § 2144.03 ("As the court held in Zurko, an assessment of basic knowledge and common sense that is not based on any evidence in the record lacks substantial evidence support. In re Zurko, 59 U.S.P.Q.2d 1693, 1697 (Fed. Cir. 2001).... If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 C.F.R. 1.104(d)(2) ['When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported when called for by the applicant by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.'"]") (emphasis added).

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patentability is established if the disclosures of the cited documents actually teach away from the asserted modification.⁸

While acknowledging that Renfro arguably discloses a body, a boom, a winch pulley, a winch reel and a bucket, the Examiner has provided no explanation of what aspect of the Renfro device is a stabilizing arm.

Independent claim 9 has been amended to more clearly define that the stabilizing arm is attached to the boom and the stabilizing arm stabilizes the machine when said logs are being retrieved.

In Paragraph 69 of the present application, it is indicated that the machine has "an appendage backhoe 'fore-arm' (11) fitted under the backhoe bottom arm portion to support the boom, providing leverage and stability to the excavator in the process of winching, therefore enabling greater efficiency and overall productivity of the machine and logging operation as a whole, which has not been able to be attained by other methods previously known." (emphasis added)

The only components of the Gravenhorst device that contact the ground are the tracks (103). Gravenhorst does not teach or suggest any component that extends from the boom (400), which stabilizes the device when moving objects.

Neither Gravenhorst nor Salna appreciate when viewed separately or together that the ability of the logging device to drag logs across a ground surface can be enhanced by using a stabilizing arm that extends from the boom. Accordingly, claim 9 and claims 10-13, which depend from claim 9, are not obvious when viewed in light of

⁸ See MPEP § 2155.05 ("A prima facie case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. In re Geisler, 116 F.3d 1465, 1471, 43 U.S.P.Q.2d 1362, 1366 (Fed. Cir. 1997)").

U.S. Applic. No. 10/708,559

Gravenhorst and Salna. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claims 9, 11 and 15-20 under 35 U.S.C. § 103(a) as being unpatentable over Renfro, US Patent No. 4,917,567, in view of Salna. The Examiner indicated that Renfro discloses "a body (fig. 1), a boom (fig. 1), a winch pulley (fig. 1), a winch reel (fig. 1), a stabilizing arm (fig. 1) and a bucket (66). The Examiner cited Salna for disclosing the use of a solenoid valve to operate a loader with a bucket.

While acknowledging that Renfro arguably discloses a body, a boom, a winch pulley, a winch reel and a bucket, the Examiner provided no explanation of what aspect of the Renfro device is a stabilizing arm.

Independent claim 9 has been amended to more clearly define that the stabilizing arm is attached to the boom and the stabilizing arm stabilizes the machine when said logs are being retrieved.

In Paragraph 69 of the present application, it is indicated that the machine has "an appendage backhoe 'fore-arm' (11) fitted under the backhoe bottom arm portion to support the boom, providing leverage and stability to the excavator in the process of winching, therefore enabling greater efficiency and overall productivity of the machine and logging operation as a whole, which has not been able to be attained by other methods previously known." (emphasis added)

The only components of the Renfro device that contact the ground are the tracks (5). Renfro does not teach or suggest any component that extends from the boom (20), which stabilizes the device when winching logs.

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Neither Renfro nor Salna appreciate that the ability of the device to drag logs across a ground surface can be enhanced by using a stabilizing arm that extends from the boom. Accordingly, claim 9 and claim 11, which depends from claim 9, are not obvious when viewed in light of Renfro and Salna. Reconsideration and withdrawal of this rejection are respectfully requested.

Similarly, claim 16 has been amended to more clearly define the function of the stabilizing arm as including "moving said stabilizing arm so that a distal end of said stabilizing arm engages a ground surface adjacent said log retrieving machine."

Neither Renfro nor Salna teach or suggest a logging device that includes this capability. Accordingly, claim 16 and claims 17-20, which depend from claim 16, are nonobvious when viewed in light of these references. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Gravenhorst in view of Salna and Renfro. Claim 14 depends from claim 9. As discussed above, claim 9 is not obvious when viewed in light of Gravenhorst, Renfro and Salna when viewed individually or together.

Since claim 14 depends from claim 9, claim 14 is also non-obvious when viewed in light of the combination of Gravenhorst, Salna and Renfro. Reconsideration and withdrawal of the rejection of claim 14 are respectfully requested.

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CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Very truly yours,



Michael A. Bondi
Registration No. 39,616
Attorney for Applicants
612-632-3309 (voice)
612-632-4309 (direct fax)
michael.bondi@gpmlaw.com

12/19, 2006

Gray Plant Mooty Mooty & Bennett, PA
PO Box 2906
Minneapolis, MN 55402-0906

GP:2036108 v1

EXHIBIT E



UNITED STATES PATENT AND TRADEMARK OFFICE

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MINNEAPOLIS MN 55402-2100

COPY MAILED**FEB 23 2007****OFFICE OF PETITIONS**

In re Application of

Pun Choon ONG

Application No. 10/708,559

Filed: March 11, 2004

Attorney Docket No.

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 15, 2006.


The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by William L. Alexander on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.


Monica A. Graves
Petitions Examiner
Office of Petitions

cc: PUN CHOON ONG
8 PINE GROVE
SINGAPORE SG 738270

cc: PINTAS IP GROUP SDN BHD
WISMA MIRAMA, JALAN WISMA PUTRA
KUALA LUMPUR, MALAYSIA 50460

EXHIBIT F

APR 04 2007



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,559	03/11/2004	PUN CHOON ONG		2558

7590
PUN CHOON ONG
8 PINE GROVE
SINGAPORE, 738270
SINGAPORE

03/20/2007

EXAMINER

MILLER, BENA B

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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03/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action **Before the Filing of an Appeal Brief**

Application No.

10/708,559

Applicant(s)

ONG, PUN CHOON

Examiner

Bena Miller

Art Unit

3725

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 19 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 9-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Bena Miller
Bena Miller
Primary Examiner
Art Unit: 3725

Continuation Sheet (PTO-303)

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Continuation of 3. NOTE: The claims, as now amended, raise new issues that would require further consideration and/or search.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of	Group Art Unit
Pun Choon Ong	3725
Application Number	Examiner
10/708,559	Miller, Bena B.
Filing Date	
March 11, 2004	Attorney Docket
For	112075
METHOD OF WINCHING CUT TIMBER IN A FOREST AND A MACHINE DESIGN TO ACCOMPLISH THIS	

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Action of September 28, 2006, please reconsider the application in light of the following amendments and remarks.

Claim amendments begin on page 2.

Remarks begin on page 5.

Conclusion begins on page 12.

Please grant any extension of time necessary for entry; charge any and all fees due to Deposit Account No. 50-0937.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted via facsimile to the U.S. Patent and Trademark Office on the date shown below thereby constituting filing of same.

4/4/07
Date

Michael A. Bondi
Michael A. Bondi

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Claim Amendments

This listing of claims replaces all prior versions and listings of claims in the application.

Claims 1 – 8 (Canceled).

9. (Presently Amended) A machine for retrieving a felled log, comprising:

- a body having an engine, tracks and operator cabin;
- a boom having first and second ends and attached to the body at the first end;
- a winch pulley disposed proximate said second end of said boom;
- a winch reel disposed proximate the boom first end, said reel winding and unwinding a cable positioned by said pulley and attached to said log;
- a solenoid valve hydraulically powering said winch reel; and
- a stabilizing arm attached to the boom and stabilizing the [[boom]] machine when said logs are being retrieved.

10. (Presently Amended) The machine of claim 9, in which said forearm comprises a grappler [[or]] and an excavator bucket, ~~said excavator interchangeable with said grappler.~~

11. (Canceled)

12. (Original) The machine of claim 9, in which the stabilizing arm comprises a hydraulically operated backhoe forearm.

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13. (Original) The machine of claim 9, in which said backhoe is pivotally attached to the boom.

14. (Presently Amended) The machine of claim 9, in which a grappler ~~arm~~ is attached in opposition to said excavator bucket.

15. (Canceled)

16. (Presently Amended) A method of retrieving a first log, comprising:

providing a log retrieving machine having a body, a boom and a stabilizing arm,

wherein said boom is operably attached to said body and wherein said

stabilizing arm is operably attached to said boom;

securing a cable around said first log, said cable extending through a pulley

attached to a distal end of ~~[[a]]~~ said boom, ~~said boom stabilizing by an~~

~~attached backhoe forearm;~~

moving said stabilizing arm so that a distal end of said stabilizing arm engages a

ground surface adjacent said log retrieving machine to stabilize the log

retrieving machine; and

actuating a winch ~~via a solenoid valve, said winch attached to an excavator body~~

~~proximate end of said boom,~~ mounted on said log retrieving machine to

draw in said cable, thereby retrieving said first log.

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17. (Original) The method of claim 16, in which the first log is retrieved to a lower elevation.

18. (Original) The method of claim 16, in which the first log is retrieved to a higher elevation.

19. (Original) The method of claim 16, further comprising grasping a second log.

20. (Original) The method of claim 19, in which the second log is grasped by a grapppler attached to the backhoe forearm.

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Claims 9-20 are pending. By this Amendment After Final, claims 11 and 15 are canceled, and claims 9, 10, 14 and 16 are amended. After entry of this Amendment After Final, claims 9, 10, 12-14 and 16-20 will remain pending in the present application.

Entry of this Amendment After Final is respectfully requested, as it is believed to put the claims in condition for allowance. The claim amendments do not add matter which would necessitate an additional search.

Objection to the Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) indicating that the drawings did not depict a pair of grapppler arms. As noted above, claim 15, which referred to "a pair of grapppler arms," has been canceled.

Cancellation of claim 15 is believed to obviate this objection. Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 10-12 under 35 U.S.C. § 112, first paragraph, indicating that the specification did not support the use of "said forearm comprises a grapppler or an excavator bucket, said excavator bucket interchangeable with said grapppler," in claims 11 and 12.

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Claim 10 has been amended to indicate that the forearm comprises a grapppler and an excavator bucket. Use of these terms is supported in Figures 1 and 2 and the corresponding description in the present application.

Without prejudice, claim 11 has been canceled.

With respect to claim 12, support for the use of the phrase "hydraulically operated backhoe forearm" is found in Paragraphs [0024], [0025], [0032]-[0036] and the accompanying illustrations in Figures 1 and 2. Based upon the preceding items, the structure and function of the hydraulically operated backhoe forearm is sufficiently disclosed in the patent application as filed such that the use of these limitations in Claim 12 does not constitute new matter.

In light of the preceding comments and the related claim amendments, it is submitted that each of the rejections under Section 112, first paragraph, are overcome. Reconsideration and withdrawal of the rejections under Section 112, first paragraph, are respectfully requested.

The Examiner rejected claims 10-12 and 15 under 35 U.S.C. § 112, second paragraph. As discussed above, claim 10 has been amended to specify that that forearm comprises a grapppler and an excavator bucket.

Without prejudice, claim 11 has been canceled.

As illustrated in the Figures and described in the accompanying text, the stabilizing arm comprises the hydraulically operated backhoe forearm. While it is not required for the stabilizing arm additional functionality beyond stabilizing the machine, adding hydraulically operated backhoe functionality to the stabilizer arm increases the tasks that can be performed by the machine.

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Without prejudice, claim 15 has been canceled.

In light of the preceding comments and the related claim amendments, it is submitted that each of the rejections under Section 112, second paragraph, are overcome. Reconsideration and withdrawal of the rejections under Section 112, second paragraph, are respectfully requested.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 9-13 and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Gravenhorst, US Patent No. 5,048,172, in view of Salna, US Patent No. 2,876,921.

Without providing any explanation, the Examiner cited Fig. 10 of Gravenhorst for disclosing a stabilizing arm. The Examiner cited Salna for disclosing the use of a solenoid valve to operate a loader with a bucket. The Examiner then contended that it would have been obvious to combine the references to produce the claimed invention.

To establish a *prima facie* case of obviousness, a rejection must cite documents which teach or suggest all the claim limitations,¹ establish a proper motivation for modifying the documents cited against the claims,² and show a reasonable expectation

¹ See M.P.E.P. 2143 ("To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.").

² See M.P.E.P. § 2142 ("To establish a *prima facie* case of obviousness, ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings The teaching or suggestion to make the claimed combination ... must ... be found in the prior art, and not based on applicant's disclosure. *In re Vacck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).").

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of success.³ The motivation to modify the documents cited against the claims must be present in the documents themselves, not in the instant application.⁴

Neither conclusory statements within the rejection nor subjective opinion stated in the rejection are sufficient to establish the required motivation to modify the documents cited against the claims.⁵⁶ If the rejection asserts that the motivation was generally present in the art at the time of the invention, the Examiner may be required to execute an affidavit or declaration to that effect so that the Applicant may have the opportunity to explain or dispute the assertions therein.⁷ Additionally, evidence of

³ See M.P.E.P. § 2143 ("To establish a prima facie case of obviousness, ... there must be a reasonable expectation of success. The ... reasonable expectation of success must ... be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).")

⁴ See M.P.E.P. § 2142 ("The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.")

⁵ See, In re Lee, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002) ("This factual question of motivation is material to patentability and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to '[use] that which the inventor taught against its teacher.' W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983). Thus, the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion.") (emphasis added).

⁶ In re Lee, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002) ("The examiner's conclusory statements that the demonstration mode is just a programmable feature which can be used in many different device[s] for providing automatic introduction by adding the proper programming software and that another motivation would be that the automatic demonstration mode is user friendly and it functions as a tutorial do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to [use] that which the inventor taught against its teacher. W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983). Thus, the Board must not only assure that the requisite findings are made based on evidence of record but must also explain the reasoning by which the findings are deemed to support the agency's conclusion.") (internal quotation marks omitted) (emphasis added).

⁷ See M.P.E.P. § 2144.03 ("As the court held in Zurko, an assessment of basic knowledge and common sense that is not based on any evidence in the record lacks substantial evidence support. In re Zurko, 59 U.S.P.Q.2d 1693, 1697 (Fed. Cir. 2001).... If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 C.F.R. 1.104(d)(2) ['When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported when called for by the applicant by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.'"]") (emphasis added).

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patentability is established if the disclosures of the cited documents actually teach away from the asserted modification.⁸

While acknowledging that Renfro arguably discloses a body, a boom, a winch pulley, a winch reel and a bucket, the Examiner has provided no explanation of what aspect of the Renfro device is a stabilizing arm.

Independent claim 9 has been amended to more clearly define that the stabilizing arm is attached to the boom and the stabilizing arm stabilizes the machine when said logs are being retrieved.

In Paragraph 69 of the present application, it is indicated that the machine has "an appendage backhoe 'fore-arm' (11) fitted under the backhoe bottom arm portion to support the boom, providing leverage and stability to the excavator in the process of winching, therefore enabling greater efficiency and overall productivity of the machine and logging operation as a whole, which has not been able to be attained by other methods previously known." (emphasis added)

The only components of the Gravenhorst device that contact the ground are the tracks (103). Gravenhorst does not teach or suggest any component that extends from the boom (400), which stabilizes the device when moving objects.

Neither Gravenhorst nor Salna appreciate when viewed separately or together that the ability of the logging device to drag logs across a ground surface can be enhanced by using a stabilizing arm that extends from the boom. Accordingly, claim 9 and claims 10-13, which depend from claim 9, are not obvious when viewed in light of

⁸ See MPEP § 2155.05 ("A prima facie case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. In re Geisler, 116 F.3d 1465, 1471, 43 U.S.P.Q.2d 1362, 1366 (Fed. Cir. 1997)").

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Gravenhorst and Salna. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claims 9, 11 and 15-20 under 35 U.S.C. § 103(a) as being unpatentable over Renfro, US Patent No. 4,917,567, in view of Salna. The Examiner indicated that Renfro discloses "a body (fig. 1), a boom (fig. 1), a winch pulley (fig. 1), a winch reel (fig. 1), a stabilizing arm (fig. 1) and a bucket (66). The Examiner cited Salna for disclosing the use of a solenoid valve to operate a loader with a bucket.

While acknowledging that Renfro arguably discloses a body, a boom, a winch pulley, a winch reel and a bucket, the Examiner provided no explanation of what aspect of the Renfro device is a stabilizing arm.

Independent claim 9 has been amended to more clearly define that the stabilizing arm is attached to the boom and the stabilizing arm stabilizes the machine when said logs are being retrieved.

In Paragraph 69 of the present application, it is indicated that the machine has "an appendage backhoe 'fore-arm' (11) fitted under the backhoe bottom arm portion to support the boom, providing leverage and stability to the excavator in the process of winching, therefore enabling greater efficiency and overall productivity of the machine and logging operation as a whole, which has not been able to be attained by other methods previously known." (emphasis added)

The only components of the Renfro device that contact the ground are the tracks (5). Renfro does not teach or suggest any component that extends from the boom (20), which stabilizes the device when winching logs.

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Neither Renfro nor Salna appreciate that the ability of the device to drag logs across a ground surface can be enhanced by using a stabilizing arm that extends from the boom. Accordingly, claim 9 and claim 11, which depends from claim 9, are not obvious when viewed in light of Renfro and Salna. Reconsideration and withdrawal of this rejection are respectfully requested.

Similarly, claim 16 has been amended to more clearly define the function of the stabilizing arm as including "moving said stabilizing arm so that a distal end of said stabilizing arm engages a ground surface adjacent said log retrieving machine."

Neither Renfro nor Salna teach or suggest a logging device that includes this capability. Accordingly, claim 16 and claims 17-20, which depend from claim 16, are nonobvious when viewed in light of these references. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Gravenhorst in view of Salna and Renfro. Claim 14 depends from claim 9. As discussed above, claim 9 is not obvious when viewed in light of Gravenhorst, Renfro and Salna when viewed individually or together.

Since claim 14 depends from claim 9, claim 14 is also non-obvious when viewed in light of the combination of Gravenhorst, Salna and Renfro. Reconsideration and withdrawal of the rejection of claim 14 are respectfully requested.

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CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Very truly yours,



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April 4, 2004

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